

REMARKS

In the foregoing amendments, claims 2 and 3 were amended to correct the informalities noted in the objection to these claims as set forth in the first paragraph on page 2 of the Official action. Accordingly, applicant respectfully requests that the examiner reconsider and withdraw the objection to claims 2 and 3.

The Official action stated that claims 2 and 3 would be allowable if rewritten or amended to overcome the objections as set forth in the outstanding Office action. Since it is believed that the foregoing amendments overcome the objection to claims 2 and 3, a formal allowance of these claims is respectfully requested.

The Official action objected to claims 15-18 as being dependent upon objected to base claims 2 and 3, but stated these claims would be allowable once the minor objection regarding claims 2 and 3 was overcome. Since it is believed that the foregoing amendments to claims 2 and 3 overcome the objections thereto as set forth in the outstanding Office action, a formal allowance of claims 2, 3, and 15-18 are respectfully requested.

The Official action did not include a rejection of claim 8. This claim was objected to as being dependent upon a rejected base claim, but indicated as allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

In summary, claims 2, 3, and 15-18 are in condition for allowance. Claim 8 is objected to as being dependent upon a rejected base claim. Claims

9-13, 19, and 20 are withdrawn from consideration as being directed to a non-elected invention. Accordingly, claims 1, 4-7, and 14 remain in the application for consideration by the examiner.

The Official action set forth a rejection of claims 1 and 4-7 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent No. 5,916,376 of Fukuno *et al.* (Fukuno). Claim 14 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Fukuno. In response to applicant's arguments distinguishing the presently claimed invention from the teachings of Fukuno, the Official action noted Table 1, which bridges columns 11 and 12 of Fukuno, discloses a comparative alloy 105 that does not contain zirconium.

Applicant respectfully submits that the teachings of Fukuno do not disclose or suggest the invention as set forth in claims 1, 4-8 and 14 within the meaning of 35 U.S.C. § 102 or 35 U.S.C. § 103.

In the foregoing amendments to applicant's claims, claim 1 was amended to require that the amount of Sm is greater than 7 at %. Magnet powder 105 discussed in Fukuno requires, *inter alia*, 7 at % of Sm. Applicant respectfully submits that since claim 1 and magnet powder 105 of Fukuno require mutually exclusive amounts of Sm, claim 1 and the claims that depend thereon are patently distinguishable from the teachings of Fukuno.

Since magnet powder 105 of Fukuno is a prior art alloy as discussed therein, applicant respectfully submits that one of ordinary skill in the art would not be motivated to modify the amount of Sm (equal to 7 at %) in this prior alloy to another amount of Sm, such as that set forth in applicant's

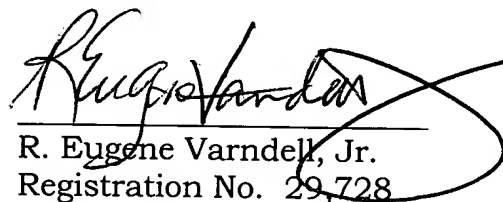
claims. Similarly, applicant respectfully submits that one of ordinary skill in the art would not be motivated to eliminate Zr from the composition of Fukuno, as required claim 1. The teachings of Fukuno are characterized by choosing a high Zr-content resulting in the formation of α -Fe in the magnet material and a relatively high roll-speed of quenching molten alloy (spherical speed: 50 m/sec or higher), so that good magnetic properties may be obtained. Thus, eliminating Zr from the alloy proposed in Fukuno is in direct contrast to these teachings. For such reasons, applicant respectfully submits that it is impossible for the teachings of Fukuno to motivate one of ordinary skill in the art to the invention set forth in the present claims. Therefore, applicant respectfully requests that the examiner reconsider and withdraw this rejection.

For the foregoing reasons and those set forth in applicant's response filed on February 26, 2003, applicant respectfully submits that claims 1, 4-8, and 14 are patently distinguishable from the teachings of Fukuno. Therefore, applicant respectfully requests that the examiner reconsider and withdraw this rejection.

In view of the foregoing amendments and remarks, favorable consideration and a formal allowance of claims 1, 4-8 and 14, together with claims 2, 3, and 15-18 are respectfully requested. While it is believed that the present response places the application in condition for allowance, should the examiner have any comments or questions, it is respectfully requested that the undersigned be telephoned at the below listed number to resolved any outstanding issues.

In the event this paper is not timely filed, applicant hereby petitions for an appropriate extension of time. The fee therefor, as well as any other fees which may become due, may be charged to our deposit account No. 22-0256.

Respectfully submitted,
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